



PATENT
Attorney Docket No. A-67032-2(467037-00022)/RMS/RMK/SPL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Bamdad, *et al.*

Serial No.: 10/016,416

Filed: December 10, 2001

For: *Detection of Target Analytes Using
Particles and Electrodes*

Group No. 1634

Examiner: Lu, Frank Wei Min

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date:

7/10/03

Signature

Steve Lendaris

TERMINAL DISCLAIMER

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Clinical Micro Sensors, Inc., represents that it is the assignee of the entire right, title and interest of:

(1) the instant application, U.S. Serial Number 10/016,416, filed December 10, 2001, which is a continuation application of U.S. Serial Number 09/428,155, filed October 27, 1997; and,

(2) co-pending application U.S. Serial Number 09/428,155, filed October 27, 1997.

Written proof of the assignment for U.S. Serial Number 09/428,155 is recorded in the United States Patent and Trademark Office, at Reel/Frame: 010625/0568. A Copy of the assignment and notice of recordation are attached to this Terminal Disclaimer.

Clinical Micro Sensors, Inc., hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as shortened by any terminal disclaimer, of any patent arising from co-pending Application No. 09/428,155.

Clinical Micro Sensors, Inc., hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent arising from the co-pending Application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Clinical Micro Sensors, Inc., does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of any patent arising from co-pending Application No. 09/428,155, as presently shortened by any terminal disclaimer, in the event that any patent arising from the application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part or are terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the petitioner/assignee. The undersigned has reviewed the evidentiary documents in the chain of title of the present application as identified above, and certifies that, to the best of assignee's knowledge and belief, title is in the assignee Clinical Micro Sensor, Inc.

I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that willful, false statements may jeopardize the validity/enforceability of the application or any patent issued thereon.

Respectfully submitted,
DORSEY & WHITNEY LLP

Dated: 7/10/03

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Filed under 37 C.F.R. §1.34(a)